

Remarks

This is in response to the Office Action dated February 14, 2007.

Claims 2, 3, 6, 15, 18, 20, 21, 23 and 31-35 are pending in the application. Pursuant to the Office Action, each of the pending claims is rejected. Claim 32 is objected to. Specifically, claims 31-35, 2-3, 6, 15, 18, 20-21 and 23 are rejected under 35 USC 102(b) as being unpatentable over Updike U.S. 3,762,586 in view of Szinte U.S. 5,833,428. By way of the foregoing amendments, Applicant has addressed the objection to claim 32 noted by the Examiner, as well as a similar deficiency in Claim 31.

Turning to the rejection of the claims over Updike in view of Szinte, Updike discloses a refuse collection vehicle which has a boom assembly mounted on the front of the vehicle so that it may grasp collection carts and deposit their contents into an intermediate refuse collection container. Specifically, the boom assembly is secured to a "control unit" which is mounted in a slot on the front of the vehicle. The Examiner, in his rejection, essentially asserts that the claimed invention is obtained by simply substituting the transporter of Szinte, which is mounted on the front of an intermediate refuse collection container, for that of Updike:

Updike employs an articulated boom to carry the lifter as opposed to the well-known rectilinearly translating carrier, shown, for example, in Szinte. Szinte teaches the transporter comprising a base (112) and elongated beam (114) moving linearly. It would have been obvious to one having ordinary skill in the art to modify Updike with the transporter of Szinte in order to collect and dump refuse receptacles.

In Szinte, the receptacle-engaging assembly 110 is mounted to a "kicker" 132 (best seen in Fig. 6) which "extends perpendicular to arm 130 to provide dumping

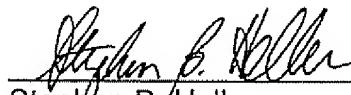
assembly 106 with a generally L-shaped configuration." See column 7, lines 54-56. Because of this L-shaped configuration, the lifter of Szinte has only one conceivable storage position, which would be curb-side, as shown in Figs. 2 and 3, except with the grip arms 152(a), 152(b) retracted so that the gripper arms are essentially flush or adjacent with the "kicker." The receptacle lifter, as seen in the figures of Szinte, lies along the curb-side lateral face of the intermediate collection container, generally perpendicular to the base 112 and elongated beam 114 identified by the Examiner.

In contrast, each of the independent claims of the present application requires a receptacle lifter to have a "stored position generally adjacent to the front end of the vehicle" (claims 32, 33, 34 and 35) or a "lifter support beam position generally adjacent to the beam when the receptacle lifter is in the stored position," claim 31. The lifter support or "kicker" of Szinte can never attain a comparable position with respect to its base and beam. Accordingly, the combination of Updike and Szinte does not provide the claimed invention. Further, there is no motivation to modify the lifter of Szinte to permit the combination to achieve the claimed invention. The particular configuration of Szinte is needed for its function, and modification of Szinte to combine with Updike is not shown or suggested. Thus, Applicant respectfully submits that the claimed invention is not obvious over the combination of Updike and Szinte.

In view of the foregoing, Applicant respectfully submits that the application is now in condition for allowance, and an early Office Action in this regard is earnestly solicited.

Respectfully submitted,

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